

Remarks

Accompanying this response is a Request for Continued Examination (RCE). Claims 1, 2, and 4-12 remain pending. Claims 2, 7, 11 and 12 have been indicated to be allowable if rewritten into independent form. Claims 1, 4-6 and 8-10 are rejected under 35 U.S.C. §102 as anticipated by U.S. Patent 5,092,652 to Macaluso.

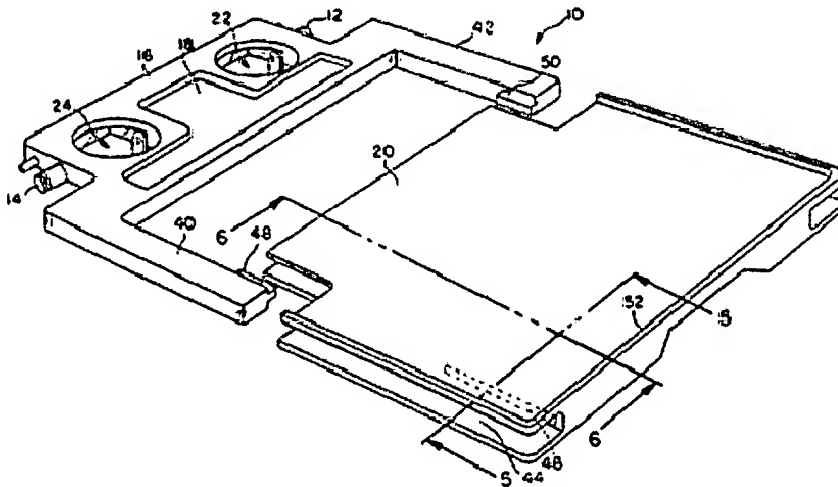
With respect to claim rejections based on Macaluso, the latest Office Action rejected the distinction asserted by applicants that Macaluso teaches a table for airline trays while the pending claims were directed to a patient table. The Examiner indicated that the difference between an airline table and a patient table was merely a matter of intended use. This amendment makes that distinction explicit and formal by amending claim 1 to now refer to a "patient table main section" and a "patient table end section." Thus, at a strict level, it is clear that Macaluso is no longer an anticipating reference under §102, since it does not provide any teaching of patient tables.

Furthermore, Macaluso discloses the presence of tray extension lock grooves 46 which co-operate with a lock tab or dog 28 on the arm 40. The purpose of this groove and dog arrangement is "to lock or stop the tray in its outermost position." (column 3 line 23). By contrast, present claim 1 requires that the patient table end section is "removably attachable." The purpose, as explained in the description, is to enable a user to exchange the end section for one having a different shape, more suited to the properties and intended treatment plan for the next patient. Macaluso therefore lacks a "removeably attachable" end section and in fact directly contradicts this requirement.

In addition, claim 1 also requires first and second engagement sites "adapted to engage on an [upper surface/lower surface]." Macaluso describes only the slots 44 on either edge of the table that engage with the arms 0, 42 to support the table. No other supporting structure is described. The Examiner appears to be referring to the lock tab 48 and lock grooves 46 as a further engagement site. However, referring to the description of these features at column 3 lines 19 to 24, it is apparent that these do not support the table but prevent it from being withdrawn. Thus, given that the tab is located within a groove and thus constrained from upward and

downward movement, the lock tab will only engage the lock groove on a end surface, not an upper or lower surface. Thus, the lock tab & groove are not an engagement site “adapted to engage on an [upper surface/lower surface].” There being only a single further engagement means between the two parts, the arrangement disclosed in Macaluso does not have first and second engagement sites as required by claim 1.

Similarly, as explained in the previous response, elements 44, 48 and 50 in Fig. 1 of Macaluso fail to teach or suggest “at least two engagement sites for mutual inter-engagement ... on each section, with the engagement sites of each section being spaced along the length thereof, the first engagement site closest the end of the respective section being adapted to engage on an upper surface, and the second engagement site more distant from the end being adapted to engage on a lower surface” as required by claim 1. Rather, these structures are clearly intended to slide into place linearly, along a guide that is co-linear with the table surface such that the engagement occurs in the center of the structures at each end, not respective upper surfaces and lower surfaces as required by claim 1:



Moreover claim 1 requires that each of the main section and the removable end section be adapted to have one engagement site closer to the end which is on an upper surface of that

section and another engagement site at a farther end which is on a lower surface of that section to mutually inter-engage with each other. It is clear from the Macaluso figure that the main section 10 and the removable end section 20 do not each have such an arrangement.

Moreover, it would not be obvious to one of ordinary skill in the art to use the teachings of Macaluso with respect to an airline tray table in the claimed application of a patient table. The patient table cannot be employed as an airline table, or vice versa. Vendors do not offer the same tables to hospitals and to airlines. Thus, an attempt to equate the two different applications is akin to arguing that a claim to "a fishhook comprising ..." is anticipated by a hook for a crane that happens to have the requisite claim features. The difference between a crane hook and a fishhook is clearly one of substance more than a mere intended use. A fishhook implies an inherent distinctiveness associated with its field of use that is simply not present in the cited crane hook. Likewise, attempting to place a patient on an airline table would be about as fruitful as trying to catch a fish with a crane hook.

Along these lines, Macaluso states that the table is "for airline use" (column 2, line 26). We are all familiar with such tables; they are light in weight to minimise the take-off weight of the aircraft and are intended to be strong enough to support an airline meal. It is immediately apparent that were a person to place their weight on such a table, it would break. They are not intended to support such a weight; the requirement that they be lightweight contradicts this. Thus, airline tables are not suitable for use as patient tables and cannot be used in this manner. They are not exchangeable items and an airline table cannot be considered to meet the requirement of "a patient table."

Thus, the Macaluso reference neither anticipates nor makes obvious the patient table required by claim 1. Claims 2 and 4-12 depend from claim 1 and are allowable for the same reasons.

Conclusion

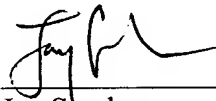
Applicants hereby request a two month extension of time in accordance with the provisions of 37 C.F.R. § 1.136. A check for the amount of \$430.00 is enclosed for the fee for

Application 10/691,858
Filed 10/23/03
Response B to Office action of February 24, 2005

the two month extension of time. Applicants believe that no further extension of time is required; however, this conditional petition is being made to provide for the possibility that the applicants have inadvertently overlooked the need for a further additional extension of time. If any additional fees are required for the timely consideration of the application, please charge deposit account number 19-4972.

In view of the foregoing amendments and remarks, Applicants believe this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call applicants' attorney at the telephone number listed below.

Respectfully submitted,



Jay Sandvos
Registration Number 43,900
Attorney for Applicants

BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110-1618
Tel: (617) 443-9292
Fax: (617) 443-0004
02775/00104 347070.1